



## CLERK'S SUMMARY OF Meeting Minutes

Stephen P. Clark  
Government Center  
111 N.W. 1st Street  
Miami, FL 33128

### Incorporation and Annexation Subcommittee

Agenda Item NO. 6 (A)

Jose "Pepe" Diaz (12), Chairperson; Commissioners Joe A. Martinez (11), and Javier D. Souto (10)  
October 14, 2003

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Thursday, February 6, 2003

10:00 AM

COMMISSION CHAMBERS

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**Members Present:** Jose "Pepe" Diaz, Joe A. Martinez.

**Members Absent:** Javier D. Souto.

**Members Late:** None.

**Members Excused:** None.

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#### 1A INVOCATION

**Report:** *The invocation was presented by Chairperson Diaz, followed by the Pledge of Allegiance.*

#### 1B PLEDGE OF ALLEGIANCE

#### 1C ROLL CALL

**Report:** *The following staff support were present: Ms. Silva Armenteros, County Attorney's Office; Mr. Ray Baker, Assistant to the County Manager; Mr. Craig Collier, Assistant County Attorney; Ms. Cynthia Johnson-Stacks, Assistant County Attorney; and deputy clerk's Ms. Olga C. Valverde and Ms. Doris Dickens.*

### 2 COUNTY COMMISSION

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**2A 030137 Report**

**THE TOWN OF MEDLEY ANNEXATION (County Manager)**

***Forwarded to BCC with a favorable recommendation to the Budget and Finance Committee due back no date certain***

***Mover: Martinez***

***Seconder: Diaz***

***Vote: 2-0***

***Absent: Souto***

**Report:** *Chairperson Diaz called the meeting to order. He welcomed members of the subcommittee, the County Administration and the public. He noted the Town of Medley Annexation Proposal had been pending for years, and the intent of today's meeting was to tackle the issues today and on March 4, 2003. He noted he was hopeful that this subcommittee would be successful in developing a comprehensive policy that would create a level playing field for approving incorporation and annexation proposals.*

*Mr. Melvin Wolfe, attorney for the Town of Medley, appeared before the subcommittee and thanked members of the subcommittee and the County Administration for their assistance, responsiveness, and professionalism demonstrated throughout this process, which he noted began in 1998. He recognized Mayor Jack Morrow and representatives from the Town of Medley whom he noted had also worked diligently throughout this process.*

*Mr. Wolfe provided an overview of the Medley Annexation proposal. He noted the town filed an application for annexation in November 2000 in which it sought to annex certain lands. Mr. Wolfe noted the proposal before the subcommittee today, however, sought to annex the remaining unincorporated areas of Section 10, which were currently surrounded on three sides by the Town of Medley. He pointed out that a large part of Section 10 was already located within the Town of Medley, and noted he had obtained a letter from Mr. Carlos Lopez, the owner of 208 acres in Section 10, requesting that these 208 acres be included within the municipal boundaries of Medley. Mr. Wolfe also noted the owners of a combined total of 90 additional acres were present today, and they had requested their property also be annexed within the Town of Medley.*

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*In response to concerns involving similar proposals filed by the City Miami Springs and the Village of Virginia Gardens, Mr. Wolfe noted he met with the Mayor and the City Manager for Miami Springs, at which time Medley representatives informed Miami Springs and Virginia Gardens representatives that Medley intended to proceed with its annexation proposal, and they offered their expertise and support to Miami Springs and Virginia Gardens in developing proposals to annex lands south of 74 Street and east of the Palmetto Expressway.*

*In conclusion, Mr. Wolfe stated if the proposal to annex Section 10 into Medley was approved by the County Commission, the Town would agree to dedicate the right-of-way needed for the four-laning of NW 87th Avenue. He noted Medley had agreed to pay 100% mitigation for the loss of UMSA revenue on a millage rate basis, which meant that the millage rate would increase along with the assessed value. He noted two of the major advantages of Medley's proposal were the employment opportunities that would be provided and the dedication of right-of-way for the expansion of NW 87th Avenue.*

*Mayor Richard Wheeler, City of Miami Springs, appeared before the subcommittee in opposition to the foregoing annexation proposal. He noted the annexation of all lands between the boundaries of Miami Springs, Virginia Gardens, Medley and the City of Doral required close cooperation among the respective municipalities, which had not occurred. He noted, however, that he along with the Miami Springs City Manager and City Attorney, met with the Mayor and Town Attorney for Medley for the first time earlier this week. Mayor Wheeler contended this proposal was premature and any agreement with the City of Miami Springs could only be finalized after the completion of studies currently being conducted by Miami Springs and Virginia Gardens. He maintained that any action by the subcommittee today would be inconsistent with the County's policies.*

*Following further discussion, Chairperson Diaz noted he was under the impression that the affected municipalities had reached a consensus.*

*Mr. Wolfe noted the affected parties had not reached a consensus yet; however, the process had been put in place to facilitate an amicable*

agreement among the municipalities involved.

Mr. Pete Cabrera, Doral Community Councilman, appeared before the subcommittee in favor of the annexation. He noted the applicant had worked closely with Doral. He expressed concern regarding proposals being stopped every time someone attempted to annex.

Mr. Jose Herrera and Mr. Julio Fujon, councilmen from the Village of Virginia Gardens, appeared before the subcommittee and noted the proposed annexation would prohibit the City of Miami Springs' ability to expand west. Mr. Herrera pointed out that Virginia Gardens would be crunched in and unable to expand if the proposed Medley Annexation proposal was approved. He noted representatives from Medley indicated that they supported the annexation of lands to east of the Palmetto Expressway. However, his concern was that Virginia Gardens was not invited to a meeting between Medley and Miami Springs, and the three municipalities could eventually wind up in a tug of war.

Mr. Herrera noted Medley was predominantly an industrial community. He questioned whether subcommittee members had considered the constitutional implications approving the Medley Annexation proposal as presented. Mr. Herrera noted the suggestions previously made by Mayor Wheeler were eminently reasonable. He questioned the urgency of acting on this proposal now or six months from now, provided a consensus was reached among all municipalities involved. He reiterated concerns that this proposal was premature and noted the council members for the newly formed Doral community should definitely be allowed to provide input, and they had not yet been elected. Additionally, Mr. Herrera noted the State Legislature had recently revised some of the land use statutes giving greater standards to contiguous affected parties.

Mr. Herrera questioned whether the Medley Annexation proposal would allow Medley to veto proposed land revisions by Miami Springs. He pointed out that these issues needed to be resolved prior to any action. He asked that the entire area be carefully studied and the affected municipalities as well as the newly created municipality of Doral be involved in discussions.

Commissioner Martinez emphasized the need to

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*focus on the real issue before the subcommittee today, which he noted did not involve Section 10, but the areas west of the Palmetto. He maintained that the discussion today involve the future annexation of Miami Springs and Virginia Gardens, and noted representatives from Doral needed to be included in any discussion involving expansion to the north. He noted he had not heard any specific argument against the annexation of Section 10 into Medley and was inclined to support that proposal.*

*Following discussion, Mr. Jerry Riseman, resident of Doral, appeared before the subcommittee in support of the foregoing annexation proposal.*

*Mr. John C. Lucas, representing the Gamma Delta Corporation (GDC), appeared before the Board and noted the GDC was the owner of a substantial portion of Section 10, specifically, the Lake View Industrial Center, which comprised 81.8 acres of land. He noted five acres of this property were located in the Town of Medley and 77 acres were located in unincorporated Miami-Dade. Mr. Lucas noted 500,000 square feet of industrial use had been developed and plans were underway to develop another 800,000 square feet. He noted Section 10 was a very popular area, however, the owner of the subject properties did not support the Medley Annexation proposal.*

*Mr. Neisen Kasden, attorney, 2 South Biscayne Boulevard, representing the Flagler Development Corporation (FDC), appeared before the subcommittee in support of the foregoing proposal. He noted the FDC was a subsidiary of Florida East Coast Industries (FECI) and representatives for the FECI and the Florida East Coast Railroad were also present. He maintained that the concerns of the residents and the interests of the property owners should be given paramount consideration as to whether to approve annexation proposals.*

*Mayor Jack Morrow, Town of Medley, appeared before the subcommittee in favor of the foregoing annexation. He pointed out, for the record, that approximately 25% of Section 10 was already located in the Town of Medley.*

*There being no further speakers to come before the subcommittee, Chairperson Diaz closed the public hearing.*

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Commissioner Martinez reiterated his comments that Section 10 was inapplicable to today's discussion, and that the primary issue involved the future expansion of Miami Springs, Virginia Gardens, and possibly Doral. He noted he was unaware that 25% of Section 10 was already located in Medley. However, he was convinced that dialogue among the affected municipalities was necessary, and asked that they meet with County staff after the election of the Doral Council members to discuss these issues.

Chairperson Diaz concurred with Commissioner Martinez. He pointed out that this would not be an easy process. He suggested this matter be deferred pending the election of Doral Council members.

Upon concluding the foregoing, Chairperson Diaz called for a motion from subcommittee members.

It was moved by Commissioner Martinez that the foregoing annexation proposal be forwarded to the Budget and Finance Committee with a favorable recommendation. This motion was seconded by Chairperson Diaz, and upon being put to a vote, passed by a vote of 2-0. (Commissioner Souto was absent)

Ms. Silva Armenteros, County Attorney's Office, noted because this subcommittee had been charged with making recommendations regarding incorporation and annexation to the Budget and Finance Committee, staff had developed an overview of the history of incorporation and annexation in Miami-Dade County. She noted although not all inclusive, this overview was comprehensive and clearly illustrated that the proposals before the subcommittee today represented long-standing issues with long-term implications, and there were no simple answers.

Ms. Armenteros noted staff was currently working with municipal advisory committees for Cutler Ridge, East Kendall, Fontainebleau, North Central Dade, Northwest Dade, Redland and West Kendall; and they were aware of three more incorporation proposals in the pipeline. She noted little or no progress had been made with the Redland incorporation proposal, and it was staff's belief that there was not much community support for the incorporation of North Central Dade and Northwest Dade.

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Ms. Armenteros noted the Hialeah, Hialeah Gardens, South Miami and North Miami proposals were scheduled for consideration at the Boundaries Commission meeting of February 18th. She also noted included in the overview were resolutions sponsored by Commissioners Ferguson, Morales, Diaz, and Souto. She pointed out that these proposals were currently pending before the subcommittee and would have to be addressed along with the budgetary implications. Ms. Armenteros noted the County Attorney's Office looked forward to working with subcommittee members in addressing these issues in the near future.

Chairperson Diaz commended staff for the excellent job in putting together the overview.

Ms. Katherine Keller, East Kendall Municipal Advisory Committee member, appeared before the subcommittee in opposition to the incorporation movement. She noted she also headed the Committee Against Kendall Incorporation, and the CAKI was convinced that with incorporation would come another layer of politicians with the salaries, insurance, pensions and other related administrative costs. Ms. Keller noted the County would still provide library, maintenance and police services. She stated Kendall residents were satisfied with the existing services and were not interested in incorporation.

Commissioner Martinez inquired regarding the tactics used by the East Kendall MAC to collect signatures on the petition. He asked that people not be forced to sign petitions and that they be given the option to have their names removed from those petitions.

Following a response by Ms. Keller, Commissioner Martinez noted many people believed that their property values would increase as a result of incorporation. He noted this was untrue and pointed out that increases in property value throughout the County was the result of a trend, and was not a result of incorporation. He clarified that as areas incorporated and the service area decreased, Miami-Dade County Government would eventually downsize. Commissioner Martinez explained that the regional services provided by the Miami-Dade Police Department would be downsized and helicopters, K-9 Units, SWAT Teams and other regional services may be eliminated.

*Mr. David Fader, Executive Director, Dade County Farm Bureau, appeared before the subcommittee in opposition to the incorporation.*

*Mr. Miguel DeGrandy, 201 Biscayne Boulevard, appeared before the subcommittee as a citizen. He noted he currently represented clients for and against incorporation and annexation, and as an attorney representing the City of Sweetwater as well as citizens opposed to certain incorporation and annexation applications, he was experiencing difficulty in advising his clients due to the lack of a sound policy. He emphasized the need for one policy to be established and consistently applied to all incorporation and annexation applications.*

*Mr. DeGrandy noted every proposal approved thus far was inconsistent with the County Commission's existing policies. He maintained that a policy must be established to resolve disputes between or among municipalities wishing to incorporate, and noted a good sound policy could be applied to all proposals, even those in the pipeline.*

*Commissioner Martinez concurred with Mr. DeGrandy that these issues could not be addressed without a sound policy. He asked that existing incorporation and annexation policies be drafted in the form of an ordinance or resolution and include specific language stating, "all existing policies shall be implemented."*

*Ms. Armenteros noted a number of policies and guidelines had been adopted and were applied consistently pursuant to the County Code. However, she noted as previously stated by Mr. DeGrandy, the County Commission was given flexibility and discretion in some of these proposals. She noted discrepancies occurred when policies were applied differently to one community versus another. Ms. Armenteros also noted the applicability of mitigation requirements and specialized police services as well as issues pertaining to annexing and incorporating lands outside the Urban Development Boundary were examples of these policies.*

*Assistant County Attorney Cynthia Johnson-Stacks noted existing policies and guidelines could be amended by the County Commission to incorporate the amended language.*



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Assistant County Attorney Craig Collier pointed out that each of the incorporated areas was evaluated on a case-by-case basis pursuant to the guidelines outlined in the Code. He noted a certain amount of flexibility was built into the guidelines and was intended to allow the Board to retain the discretion to make decisions on annexation and incorporation as a part of the legislative process.

Mr. DeGrandy suggested the language state that any annexation and incorporation shall meet defined policies and guidelines. He also suggested that language be incorporated into the ordinance or resolution requiring staff to submit a report to the Board indicating whether a respective municipality complied with those policies; and that an extraordinary vote of the Commission be required for any proposal not in compliance.

Mr. Wendell Snowdon (phonetic), 25100 SW 189th Avenue, appeared before the subcommittee and expressed concern regarding the proposed Redland Incorporation. He suggested if the proposal was continued, that a new Municipal Advisory Committee be appointed to establish recommendations for concrete boundaries. He also suggested a new budget be proposed by the County. Mr. Snowdon suggested that more than one commissioner be allowed to appoint members to Municipal Advisory Committees; that an equal number of members be appointed for and against an incorporation proposal; that boundaries be given priority; and that discussion with areas surrounding or adjacent to proposed cities be required prior to any public advertisements.

Mr. Neisen Kasden, Florida East Coast Railroad and Florida Industries, reappeared before the subcommittee. He noted Section 6 comprised the Beacon Station Industrial Park, and Section 8 was planned for the next developmental phase of the Park. He also noted the railroad owned approximately 400 acres of property known as the Hialeah Yards (from 74 Street to south of 36 Street). He pointed out that these properties were critical to the industrial and commercial spin of Miami-Dade County and Southeast Florida. Mr. Kasden noted it was important of these properties remaining in Miami-Dade County because they were vital resources to the airport, the seaport, and the economy of Miami-Dade County.

Mr. Kasden asked that representatives of the

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*Florida East Coast Railroad and Florida Industries be notified and given an opportunity to participate in any forum ultimately created to consider and debate these issues.*

*Mr. Ken Forbes, 2521 SW 120th Place, Princeton, Florida, appeared before the subcommittee in support of the incorporation movement. He noted he felt local government performed well in providing some regional services in communities, but other services could be better provided by local municipalities. He suggested that incorporation could work if municipalities contracted with the County to provide certain regional services.*

*Mr. Forbes pointed out that Princeton, Naranja, and Leisure City were among some of the poorest areas in Miami-Dade County, with an enormous amount of public and/or affordable housing. He expressed concern that some of the existing annexation and incorporation policies were not advantageous in helping these areas become self-sustaining, self-determining communities. He urged subcommittee members to revisit the existing policies, with particular focus on fine tuning those policies to help the poorest communities. Mr. Forbes noted he felt local government performed well in providing some services in these communities, but not so well in providing others. He suggested that incorporation could work if they contracted with the County to provide certain regional services.*

*Ms. Pat Wade, 20925 SW 187th Avenue, appeared before the subcommittee regarding incorporation issues. She maintained that policies and guidelines should not be etched in stone, and that in approving incorporation proposals, the Board needed to have the flexibility and the discretion to consider proposals on a case-by-case basis.*

*Chairperson Diaz noted the next Incorporation and Annexation Subcommittee meeting would be held on March 4th at 5:00 p.m.*

*Chairperson Diaz reemphasized the need to develop a comprehensive policy, which he noted would probably not be a cure-all policy, but as close as possible. He noted the subcommittee would need to continue beyond 90-days, and he had already requesting a Sunshine meeting with Chairperson Carey-Shuler for the purpose of requesting an extension of time. Chairperson Diaz*

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*noted he felt the Chair would support an extension, provided subcommittee members were successful in establishing one comprehensive policy that could be forwarded to the Commission.*

**3 DEPARTMENT**

**4 COUNTY MANAGER**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

**7 REPORTS**

**8 OPEN FORUM FOR DISCUSSION OF  
INCORPORATION AND ANNEXATION**

**9 ADJOURNMENT**

**Report:** *There being no further business to come before the subcommittee, the meeting was adjourned at 11:20 p.m.*

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